

MINUTES

STATE BUILDING COMMISSION MEETING

FEBRUARY 8, 2007

The State Building Commission met this day at 11:00 a.m. in House Hearing Room 30 of the Legislative Plaza, Nashville, Tennessee, with the following State Building Commission members and Departments present.

Department of Education
Department of Labor & Workforce Development
Military Department
Department of Environment and Conservation
Tennessee Board of Regents
Department of Finance and Administration
State Building Commission

Assistant Commissioner Joe Fisher
Commissioner James Neeley
General David Greer
Commissioner Jim Fyke
Chancellor Charles Manning

STATE BUILDING COMMISSION MEMBERS PRESENT

Jimmy Naifeh, Speaker of the House of Representatives
Ron Ramsey, Lieutenant Governor
Dave Goetz, Commissioner, Department of Finance and Administration
John G. Morgan, Comptroller of the Treasury
Dale Sims, State Treasurer

STATE BUILDING COMMISSION MEMBERS ABSENT

Governor Phil Bredesen
Riley Darnell, Secretary of State

OTHERS PRESENT

Mike Fitts, State Architect
Alan Robertson, Assistant State Architect
Charles Garrett, Real Property Administration
Charles Harrison, Comptroller's Office
Mark Wood, Secretary of State's Office
Dave Thurman, Legislative Budget Office
Janie Porter, Attorney General's Office
Genie Whitesell, Attorney General's Office
Jerry Preston, Tennessee Board of Regents
Diane Uhler, Tennessee Board of Regents
Dennis Raffield, THEC
Nancy Blevins, Finance and Administration
Steve Westerman, Real Property Administration

Mike Morrow, Finance and Administration
Pat Haas, Bond Finance
Deborah Boshears-Davis, Education
Dwight Hensley, Environment and Conservation
Harold Shackleford, Labor & Workforce
Development
Chester Lowe, Labor & Workforce Development
Robert Johnson, Military Department
Andrea Dennis, Finance & Administration
Lance Frizzell, Lieutenant Governor's Office
Fred Hix, Division of Mental Retardation Services
David Gregory, Tennessee Board of Regents

Speaker Naifeh called the meeting to order at 11:01 a.m. and requested action on the following matters as presented by State Architect Mike Fitts.

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DEPARTMENT OF EDUCATION

Assistant Commissioner Joe Fisher requested action on the following matter.

TENNESSEE SCHOOL FOR THE DEAF, KNOXVILLE, TENNESSEE

- 1) Approved a request for a revision in scope and funding and acknowledgment of the source of funding from \$810,000.00 to \$1,115,000.00 (\$305,000.00 increase) of a project for **Steam Line Replacement** at Tennessee School for the Deaf, Knoxville, Tennessee.

Revised Estimated Project Cost: \$1,115,000.00
SBC Project No. 168/007-02-2005

DISCUSSION OF BIDS

- 1) **West TN School for the Deaf**
 (Fire Code Upgrades
 SBC Project No. 168/009-01-2006
 Bid date: February 7, 2007
 SBC Action: Referred to Subcommittee with authority to act

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DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

Commissioner James Neeley requested action on the following matter.

CAREER CENTER, HUNTINGDON, TENNESSEE

- 1) Approved a request for a revision in scope and funding and acknowledgment of the source of funding from \$2,460,000.00 to \$3,330,000.00 (\$870,000.00 increase) of a project for **Career Center** at Huntingdon, Tennessee.

Revised Estimated Project Cost: \$3,330,000.00
SBC Project No. 300/000-01-2006

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MILITARY DEPARTMENT

General David Greer requested action on the following matters.

NATIONAL GUARD ARMORY, RIPLEY, TENNESSEE

- 1) Approved a project and acknowledgment of the source of funding for **TEMA Radio Tower** at National Guard Armory, Ripley, Tennessee.

Estimated Project Cost: \$185,000.00
SBC Project No. 361/077-01-2007

VOLUNTEER TRAINING SITE, LAVINIA, TENNESSEE

- 1) Approved a project and acknowledgment of the source of funding for **Building I-1 Renovation** at the Volunteer Training Site, Lavinia, with design and construction services to be accomplished in-house.

Estimated Project Cost: \$700,000.00
SBC Project No. 368/031-01-2007

ALAMO, MCKENZIE AND UNION CITY, TENNESSEE

- 1) Approved a request for a revision in scope of a project for **Reroofs** at armories in Alamo, McKenzie and Union City, Tennessee.

Estimated Project Cost: \$1,041,000.00
SBC Project No. 361/000-04-2006

EAST-CENTRAL ARMORIES

- 1) Approved a request for a revision in scope of a project for **Reroofs** at armories in Knoxville and Sparta, Tennessee.

Estimated Project Cost: \$662,495.24
SBC Project No. 361/000-06-2004

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DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Commissioner Jim Fyke requested action on the following matters.

REELFOOT LAKE STATE PARK, LAKE COUNTY, TENNESSEE

- 1) Approved a project and acknowledgment of the source of funding for **Picnic Shelter Replacement** at Reelfoot Lake State Park, and the selection of Architecture, Inc. to design and supervise the project.

Estimated Project Cost: \$120,000.00
SBC Project No. 126/084-01-2007

WARRIORS PATH STATE PARK, SULLIVAN COUNTY, TENNESSEE

- 1) Commissioner Fyke requested approval to enter into an interagency agreement with the Department of Transportation for a portion of the design and construction of a **Safety Crossing** at Warriors Path State Park in Sullivan County, Tennessee. Lieutenant Governor Ramsey asked about the status of the project. Commissioner Fyke responded that they had originally envisioned building a tunnel but, due to costs, had elected to work with TDOT to provide alternative safety improvements. He added that these improvements have been installed at a cost of a little over \$4,000. Based on Commissioner Fyke's explanation, the Commission approved the request as presented and a revision in the estimated project cost from \$285,000.00 to \$15,000.00.

Revised Estimated Project Cost: \$15,000.00
SBC Project No. 126/096-02-2005

ROAN MOUNTAIN STATE PARK, CARTER COUNTY, TENNESSEE

- 1) Approved a request for a revision in funding and acknowledgment of the source of funding from \$875,000.00 to \$1,025,000.00 (\$150,000.00 increase) of a project for **Pool Upgrade** at Roan Mountain State Park, Carter County, Tennessee.

Revised Estimated Project Cost: \$1,025,000.00
SBC Project No. 126/086-02-2005

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TENNESSEE BOARD OF REGENTS

Chancellor Charles Manning requested action on the following matters.

Statewide

- 1) Approved a request for a revision in estimated project cost and funding from \$140,000.00 to \$190,000.00 (a \$50,000.00 increase) of the project for **Miscellaneous Expenditures**.

Revised Estimated Project Cost: \$ 190,000.00
SBC Project No. 166/000-02-1998

Austin Peay State University, Clarksville, Tennessee

- 1) Approved a request for a revision in scope, estimated project cost, and funding from \$2,600,000.00 to \$3,000,000.00 (a \$400,000.00 increase) and acknowledgement of source of funding of the project for **Housing Fire Safety Upgrades** at Austin Peay State University in Clarksville, Tennessee.

Revised Estimated Project Cost: \$3,000,000.00
SBC Project No. 166/003-07-2005

- 2) Approved a project and acknowledgment of source of funding for **Condensate Return/Boiler System Repair** at Austin Peay State University in Clarksville, Tennessee, and the selection of I.C.Thomasson Associates to design and supervise the project.

Estimated Project Cost: \$400,000.00
SBC Project No. 166/003-01-2007

East Tennessee State University, Johnson City, Tennessee

- 1) Approved a request for a revision in estimated project cost and funding from \$75,000.00 to \$150,000.00 (a \$75,000.00 increase) and acknowledgment of source of funding of the project for **Master Plan Update** at East Tennessee State University in Johnson City, Tennessee.

Revised Estimated Project Cost: \$ 150,000.00
SBC Project No. 166/005-02-2005

- 2) Approved a request to reallocate funding on a project for **Building 7 Pharmacy College Renovation** at East Tennessee State University in Johnson City, and authorization to award a construction contract to Burwil Construction Company, in the amount of \$6,770,000.00, based upon the base bid received January 10, 2007.

Estimated Project Cost:	\$7,500,000.00
SBC Project No.	166/005-14-2005

Volunteer State Community College, Gallatin

- 1) Approved a request for a revision in estimated project cost and funding from \$6,000,000.00 to \$7,500,000.00 (a \$1,500,000.00 increase) and acknowledgment of source of funding of the project for **Tornado Damage Remediation** at Volunteer State Community College in Gallatin, Tennessee.

Revised Estimated Project Cost:	\$7,500,000.00
SBC Project No.	166/025-01-2006

Discussion of Bids

- 1) University of Memphis, Memphis
(Rawls Hall Elevator Replacement)
SBC Project No. 166/007-08-2005
Bid date: 02-07-2007
SBC Action: Referred to Subcommittee with authority to act

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DEPARTMENT OF FINANCE AND ADMINISTRATION

CLOVER BOTTOM DEVELOPMENTAL CENTER, NASHVILLE, TENNESSEE

- 1) Approved a project and acknowledgment of the source of funding for **Boiler Control System Replacement** at Clover Bottom Developmental Center, Nashville, with design assistance from Departmental consultants, as needed.

Estimated Project Cost: \$125,000.00
SBC Project No. 344/003-01-2007

STATEWIDE

- 1) State Architect Mike Fitts presented a request for approval of a project and acknowledgment of the source of funding to develop **Sustainable Building Design Guidelines**, and selection of a consultant to develop the guidelines. He said these guidelines would be utilized by Real Property Administration, Tennessee Board of Regents and the University of Tennessee as part of their designer manuals as a minimum standard and guideline for designers to insure that the principles of good sustainable design were being implemented on State of Tennessee projects. After general discussion, the Commission approved the request and the selection of SSR LLC / Hastings Architecture Associates, a joint venture, to develop the guidelines.

Estimated Project Cost: \$75,000.00
SBC Project No. 529/000-01-2007

SPECIAL ITEM

- 1) Approved a request to extend the term of the loan for one year of **Two Urns** to the State that belong to the James K. Polk Memorial Association and are currently on display at the gravesite of President and Mrs. James K. Polk on the Capitol grounds in Nashville.

DISCUSSION OF BIDS

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| 1) Northwest Correctional Complex
(Reroof Various Buildings)
SBC Project No. 142/016-02-2005
Bid date: January 24, 2007
SBC Action: Referred to Subcommittee
with authority to act | 2) Halbrook Hotel - Dickson
(Renovation)
SBC Project No. 160/023-01-1994
Bid date: February 1, 2007
SBC Action: Referred to Subcommittee
with authority to act |
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STANDARD AGREEMENT BETWEEN OWNER AND DESIGNER

- 1) Approved a request to modify the *Standard Agreement between Owner and Designer* (Form SBC-6) to incorporate the following language in Article 11-2, as well as incorporate changes made and approved by the State Building Commission on December 14, 2006 relative to designer fees in Items B.3.2.1 and 2, and Article 1-3:

11-2 Prohibition of Illegal Immigrants

11-2-1 The requirements of Public Acts of 2006, Chapter Number 878, of the state of Tennessee, addressing the use of illegal immigrants in the performance of any contract to supply goods or services to the state of Tennessee, shall be a material provision of this Contract, a breach of which shall be grounds for monetary and other penalties, up to and including termination of this Contract.

11-2-2 The Designer hereby attests, certifies, warrants, and assures that the Designer shall not knowingly utilize the services of an illegal immigrant in the performance of this Contract and shall not knowingly utilize the services of any subcontractor or consultant who will utilize the services of any illegal immigrant in the performance of this Contract. The Designer shall reaffirm this attestation, in writing, by submitting to the State a completed and signed attestation document, embodying the language as shown in Exhibit A hereto, no less than semi-annually during the period of this Contract. In addition, a copy of such attestations shall be maintained by the Designer and made available to state officials upon request.

11-2-3 Prior to the use of any subcontractor or consultant in the performance of this Contract, and semi-annually thereafter, during the period of this Contract, the Designer shall obtain and retain a current, written attestation that the subcontractor or consultant shall not knowingly utilize the services of an illegal immigrant to perform work relative to this Contract and shall

not knowingly utilize the services of any subcontractor or consultant who will utilize the services of an illegal immigrant to perform work relative to this Contract. Attestations obtained from such subcontractors or consultants shall be maintained by the Designer and made available to state officials upon request.

11-2-4 The Designer shall maintain records for all personnel used in the performance of this Contract. Said records shall be subject to review and random inspection at any reasonable time upon reasonable notice by the State.

11-2-5 The Designer understands and agrees that failure to comply with this section will be subject to the sanctions of Public Chapter 878 of 2006 for acts or omissions occurring after its effective date. This law provides for the prohibition of a Designer from contracting with, or submitting an offer, proposal, or bid to contract with the State of Tennessee to supply goods or services for a period of one year after a Designer is discovered to have knowingly used the services of illegal immigrants during the performance of this Contract.

11-2-6 For purposes of this Contract, "illegal immigrant" shall be defined as any person who is not either a United States citizen, a lawful permanent resident, or a person whose physical presence in the United States is authorized or allowed by the Department of Homeland Security and who, under Federal immigration laws and/or regulations, is authorized to be employed in the U.S. or is otherwise authorized to provide services under the Contract.

B.3.2.1 Principal's time at a fixed rate, in dollars per hour, not to exceed **one hundred fifty-five and no/100 dollars (\$155.00).**

B.3.2.2 Employee's time computed at a multiple of two and forty-five one hundredths (**2.45**) times the employee's Direct Personnel Expense as defined in the Terms and Conditions, not to exceed the maximum hourly rate of **one hundred fifty-five and no/100 dollars (\$155.00).**

1-3 If this Agreement provides for the payment of a Lump Sum Fee, it shall have been computed as follows:

- (a) The Owner agrees to pay the Designer a lump sum calculated as a percent of the Maximum Allowable Construction Cost from the Basic Services fee formula **$35/\log P - 1.15$** wherein P is the Maximum Allowable Construction Cost indicated in this Agreement.

STATE BUILDING COMMISSION

MINUTES OF MEETING OF STATE BUILDING COMMISSION

- 1) Approved the State Building Commission meeting held on January 11, 2007.

**REPORT OF CHANGE ORDERS RESULTING IN CUMULATIVE CHANGE ORDER COSTS TO EXCEED
10% OF BASE CONTRACT AMOUNT**

- 1) **East Tennessee State University** **Approval to adjust the base.**
(Several Bldgs Roof Replacements)
Change Order No. 3
Change Order Amount: \$132,845.00
Change Order Percent: 11.69
Cumulative Percent 12.60
SBC Project No. 166/005-09-2005
- 2) **Volunteer State Community College**
(Tornado Damage Remediation)
Change Order No. 2
Change Order Amount: \$14,799.83
Change Order Percent: 10.07
Cumulative Percent 25.45
SBC Project No. 166/025-01-2006
- 3) **TN Technology Center at Shelbyville**
(Classrooms, HVAC & Parking Updates)
Change Order No. 3
Change Order Amount: \$2,395.83
Change Order Percent: 1.63
Cumulative Percent 10.24
SBC Project No. 166/086-01-2005
- 4) **TN Technology Center at Shelbyville**
(Classrooms, HVAC & Parking Updates)
Change Order No. 4
Change Order Amount: \$2,387.18
Change Order Percent: 1.63
Cumulative Percent 11.86
SBC Project No. 166/086-01-2005
- 5) **TN Technology Center at Shelbyville**
(Classrooms HVAC & Parking Updates)
Change Order No. 5
Change Order Amount: \$3,756.80
Change Order Percent: 2.56
Cumulative Percent 14.42
SBC Project No. 166/086-01-2005

- 6) **TN School for the Deaf** Approval to adjust the base.
(Middle School Renovation)
Change Order No. 7
Change Order Amount: \$36,263.22
Change Order Percent: 1.7
Cumulative Percent 12.5
SBC Project No. 168/007-02-2003
- 7) **TN School for the Deaf**
(Middle School Renovation)
Change Order No. 8
Change Order Amount: \$12,967.47
Change Order Percent: .5
Cumulative Percent 13
SBC Project No. 168/007-02-2003
- 8) **TN School for the Deaf**
(Middle School Renovation)
Change Order No. 9
Change Order Amount: \$73,663.65
Change Order Percent: 3
Cumulative Percent 16
SBC Project No. 168/007-02-2003
- 9) **TN School for the Deaf**
(Middle School Renovation)
Change Order No. 10
Change Order Amount: \$19,678.07
Change Order Percent: .009
Cumulative Percent 17.45
SBC Project No. 168/007-02-2003
- 10) **Labor & Workforce Development**
(TOSHA Lab)
Change Order No. 9
Change Order Amount: \$21,109.00
Change Order Percent: 1.11
Cumulative Percent 15.11
SBC Project No. 300/000-01-2004

SUB-COMMITTEE REPORT

- 1) Report received of final action taken at the State Building Commission Executive Subcommittee meeting held on December 18, 2006.

DESIGNER SELECTION LIST

- 1) Approved the following designer selections as recommended.
- 11) **Reelfoot Lake State Park**
(Picnic Shelter Replacement)
Estimated Project Cost: \$120,000.00
SBC Project No. 126/084-01-2007
Designer: **ARCHITECTURE, INC.**
- 12) **Austin Peay State University**
(Condensate Return / Boiler System Repair)
Estimated Project Cost: \$400,000.00
SBC Project No. 166/003-01-2007
Designer: **I.C. THOMASSON ASSOCIATES**
- 13) **Statewide**
(Sustainable Building Design Guidelines)
Estimated Project Cost: \$75,000.00
SBC Project No. 529/000-01-2007
Designer: **SSR, LLC / HASTINGS ARCHITECTURE ASSOCIATES, A JOINT VENTURE**
- 14) **R.S. Gass Laboratory**
(HVAC Upgrade)
Estimated Project Cost: \$560,000.00
SBC Project No. 460/020-01-2007
Designer: **I.C. THOMASSON ASSOCIATES**
- 15) **Statewide**
(Commissioning Agent Master Contract)
Estimated Project Cost: \$200,000.00
SBC Project No. 529/000-02-2001
Designer: **Change designer name from "INTERNATIONAL COMMISSIONING ENGINEERS, LLC" to ICE EAST, LLC"**
- 16) **Memphis Mental Health Institute**
(Replacement Facility)
Estimated Project Cost: \$32,057,960.00
SBC Project No. 344/013-01-2005
Designer: **Change designer name from "TRO / ALLEN & HOSHALL, A JOINT VENTURE" to "TRO JUNG/BRANNEN, INC. / ALLEN & HOSHALL, A JOINT VENTURE"**

Approved by: _____

M.D. Goetz, Jr., Commissioner
Department of Finance and Administration